

CAPE SAN BLAS, FLORIDA

MARCH 22, 2007

SPECIAL MEETING

The Gulf County Board of County Commissioners met this date in special session at Rish Park at Cape San Blas with the following members present: Chairman Bill Williams, Vice Chairman Jerry W. Barnes, and Commissioners Carmen L. McLemore and Billy E. Traylor. <Commissioner Nathan Peters, Jr. was absent>.

Others present were: County Attorney Timothy McFarland, Clerk Becky Norris, Deputy Clerk Kari Summers, Chief Administrator Don Butler, Deputy Administrator Lynn Lanier, G.I.S. Director Larry Davis, G.I.S. Technician Scott Warner, Grant Writer Loretta Costin, Planner David Richardson, and T.D.C. Director Paula Pickett.

Chairman Williams called the special meeting to order at 7:03 p.m., E.T.

COASTAL CONSTRUCTION CONTROL LINE

Chairman Williams introduced Gene Chalecki, D.E.P. Program Administrator, and Janet Llewellyn, Director-Division of Water Resource Management of D.E.P. Chief Administrator Butler discussed the workshop that was held on March 8th with D.E.P. regarding the C.C.C.L. being moved. He discussed that the control line is being moved because of storms in 2005 and 2006, and the thirty-year erosion control line is also going to move. Chief Administrator Butler discussed that property that was subdivided after October 1, 1985 cannot be developed. He discussed that G.I.S. Director Davis has prepared a map to show the proposed C.C.C.L. and erosion control line, stating that there are approximately 600 parcels that the line touches, and 274 vacant pieces of property that will be effected. Chief Administrator Butler discussed that there is a twenty-one day time frame to respond to the proposed change (March 8th through March 29th), stating the most effected area is from Rish Park to the Stumphole. Chairman Williams discussed that these Representatives from D.E.P. did not make the laws they are only performing their jobs in the process. Mr. Chalecki appeared and discussed that the C.C.C.L. was established in Gulf County in the mid 1970's, stating that in 1978 the Legislature wanted to redefine the program not only to be a set-back, be a line of jurisdiction for protection of dunes seaward of the C.C.C.L., and also imposition of have building code requirements. He discussed that in February, 1986, the C.C.C.L. was supposed to define the impact of the 100-year storm event. Mr. Chalecki discussed that the thirty-year erosion projection line was intended to be a set-back for all major structures, but the Legislature felt that there should be an exception for single-family development. He discussed that in the Statutes there are four criterias that must be met for single-family development that are proposed seaward of the thirty-year erosion projection: (1) the building must be sited landward of a frontal dune, (2) the development must be sited as landward as practical on the lot in question, (3) the property owner cannot own land immediately landward of where he is proposing to build, and (4) the property cannot have been platted after October 1, 1985 (which is a problem for Gulf County). Mr. Chalecki discussed that St. Joseph Peninsula has a very high shoreline erosion rate, which is the reason for the beach re-nourishment project later this

year. He discussed that there will have to be an assessment on the impact to the local government. Upon inquiry by Steve Conroy regarding the lines being moved after the beach re-nourishment project is complete, Mr. Chalecki discussed that they are using the mean high water survey that establishes the erosion control line, and that survey does not identify the location of the seasonal high water line which means that they have to determine what is an approximate location for the seasonal high water line in order for D.E.P. to project in landward. Upon inquiry by Steve Dunlap regarding the definition of the seasonal high water line, Mr. Chalecki discussed that the seasonal high water line is defined by Statute, which is 1.5 times the mean tidal range plus the mean high water elevation. Upon inquiry by Commissioner McLemore regarding the line being changed after completion of the beach re-nourishment project, Commissioner Traylor discussed that the citizens are spending a lot of money to re-nourish the beaches, and inquired as to why there is such a rush on this issue. Mr. Chalecki discussed that there is a building code element to the program (it is the building code portion of the C.C.C.L.), stating that the control line is grossly inadequate. Patricia Hardman appeared and discussed that the building codes are the same, stating that the thirty-year erosion line is being imposed by estimate as opposed to waiting until there is an established, completed beach re-nourishment project. She also inquired if an existing home can be rebuilt (if it is destroyed by a storm). Mr. Chalecki discussed that according to the State standards set in 2002, the County Building Department implements the building code requirements of the C.C.C.L. He also discussed that rebuilding is allowed seaward of the thirty-year erosion projection, stating that the limitation is no increase in the capacity of the structure. Upon inquiry by Ann Wright regarding the erosion line being 250 feet behind her property, Mr. Chalecki discussed the erosion rate is going to be much greater. Laura Eiler appeared and discussed the beach re-nourishment project process, stating that the sand meets D.E.P. criteria for color, for quality and coarseness, but the sand performs better than the native sand, and the erosion rate is reduced. She also stated that extensive studying on the erosion and performance on the beach (which is part of the project) shows five feet, more or less. Upon inquiry by Laura Eiler regarding the beach project having federal funding so they receive a fifty-year credit, Mr. Chalecki discussed that this is correct. She also inquired about the possibility of receiving the fifty-year credit since the project has been committed. Ms. Eiler discussed that Gulf County is an area of critical economic concern, and asked if there is a possibility for an exemption from the rule for this County. Mr. Chalecki discussed that these issues are in the Statutes and have been there for twenty years, and the Program Administrator cannot ignore these things. Upon inquiry by David Conner regarding the location of the erosion line after the beach re-nourishment project, Mr. Chalecki discussed that the rule determination for the erosion projection for areas where there is a beach project is to use the E.C.L. reference (the pre-project relationship between mean high water and seasonal high water), stating that it will be close to the water's edge. Upon inquiry by Ray Goulds regarding moving the erosion control line next year, and what the location would be at that time, Mr. Chalecki discussed that the erosion control line would still be in the same place. Sherry Dodsworth inquired about the Legislature's intent if people are losing the value of their property, and the government is not going to compensate in this rural community. Mr. Chalecki discussed that the State coastal construction regulations do not have set-backs as far as the coastal construction regulations, however in 1985 the legislature reviewed this issue and concluded that some level of set-back was necessary, and the thirty-year erosion control line is the outcome of that legislation. Upon inquiry by Paula Pickett regarding using the E.C.L. to determine the C.C.C.L., and meeting the June 1st deadline if it is not going to be adopted until the end of summer. Mr. Chalecki discussed that D.E.P. was asked by the Coastal High Hazard Committee to perform these

studies, and they were asked to perform these studies quickly. He discussed that the E.C.L. does not have to be in place to determine the impact to the citizens, and that a E.C.L. has never been determined except when someone makes application to D.E.P. for a permit to construct. Upon inquiry by Charlie Weston regarding what kind of effort D.E.P. has had with the individuals that have made it possible for the beach restoration project, Mr. Chalecki discussed the workshop that was held two weeks ago, stating that their presentation was broken into three parts (1) beaches and control system, (2) the control line program, and (3) the flood study. He discussed that they are currently reviewing the application process for the County for the beach project. Upon inquiry by Susan Wright regarding the impact to the property owners, Mr. Chalecki discussed that the property owners need to submit their concerns in writing to D.E.P. Ray Goulds discussed that they are not concerned with the C.C.C.L. they are only concerned with the thirty-year erosion control line and where it is going to be sited, because that is what affects the property values. Mrs. Llewellyn discussed that they are here today to listen to the citizens' concerns, and that the Program Administrator cannot change any of the policies, but all information received will be taken back to the Secretary and after it is reviewed the exact lines will be determined. Mary Ann Conroy discussed that D.E.P. is making decisions before all of the data is collected. Mr. Chalecki discussed that the issue which was not identified is the issue relating to the re-platting after October 1, 1985, stating that this was discovered at the workshop held on March 12th. Upon inquiry by Chairman Williams if the committees are appointed by the Governor and why Gulf County was selected to be first, Mrs. Llewellyn discussed that the committees are not agency-staff committees, they are a mix of individuals. She discussed that their recommendations were to move as fast as possible to re-establish the control lines based on the level of erosion, stating that they directed them to prioritize them based on (1) the degree of change from erosion, and (2) the number of lots that could be potentially left for build out that needed the new regulations. Chairman Williams discussed if anyone is interested in being part of the delegation that will go to Tallahassee on Tuesday, March 27th, please contact him. Patricia Hardman appeared and discussed that all the citizens need to thank the County Commissioners for addressing this issue. Chairman Williams discussed that all citizens need to contact Representative Patronis and Senator Lawson with their concerns regarding this issue. Chief Administrator Butler recommended adoption of a proposed resolution requesting re-location be delayed until the renourishment project is complete. County Attorney McFarland discussed the proposed resolution requesting D.E.P. refrain from the relocation of the C.C.C.L. line. Commissioner Traylor motioned to adopt the following resolution. Commissioner Barnes seconded the motion, and it passed unanimously (4-0).

RESOLUTION NO. 2007-03

WHEREAS, the Gulf County Board of County Commissioners is dedicated to protecting and promoting the health, safety and welfare of the citizens of Gulf County, Florida; and

WHEREAS, the Florida Department of Environmental Protection has formally notified Gulf County by correspondence dated January 26, 2007 of its intention to initiate Rule Development for Rule 62b-26.016, Florida Administrative Code. This Rule establishes and provides the legal description of the Coastal Construction Line in Gulf County, Florida; and

WHEREAS, the Florida Department of Environmental Protection has indicated that the

Florida Department of Community Affairs Coastal High Hazard Study Committee report dated February 1, 2006 recommended that the D.E.P. restudy the C.C.C.L. along identified portions of the Florida panhandle and re-establish the lines; and

WHEREAS, the Florida Department of Environmental Protection has undertaken and completed a comprehensive engineering study in Gulf County that resulted in a recommendation for the relocation of the C.C.C.L. for portions of the St. Joseph Peninsula; and

WHEREAS, the Gulf County Board of County Commissioners has undertaken, in conjunction with the Florida Department of Environmental Protection, a massive beach restoration project in the area directly affected by the proposed rule changes; and

WHEREAS, the citizens of Gulf County have promoted the creation of a Municipal Services Taxing Unit directly in the affected area for the purposes of re-nourishing and substantially widening the beach in the area proposed to be the subject of this rule promogation by Florida Department of Environmental Protection; and

WHEREAS, the beach restoration project presently set to commence pumping sand on the affected beaches in the very near future would substantially alter the coastline in the area of this proposed rule making activity thereby altering location of the C.C.C.L. re-establishment with the affected portions of Gulf County, Florida.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gulf County, Florida as follows:

1. The Gulf County Board of County Commissioners formally requests that the Florida Department of Environmental Protection refrain from the relocation of the C.C.C.L. line for portions of the St. Joseph Peninsula and cease its current rule development activities in Gulf County in the affected areas of the St. Joseph Peninsula until such time as the current 2007 Gulf County Beach Renourishment Project has been completed so that the citizens of Gulf County can achieve the additional benefits of the extended beach which will be a direct result of the financial undertakings of the citizens of Gulf County as part of the Gulf County Beach Renourishment Project and will directly affect the location of a new C.C.C.L. establishment.

DULY adopted this 23rd day of March, 2007.

(End)

There being no further business, and upon motion by Commissioner Traylor, the special meeting did then adjourn at 8:30 p.m., E.T.

**BILL WILLIAMS
CHAIRMAN**

ATTEST:

REBECCA L. NORRIS
CLERK